

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 102

The invention recited in independent claims 1, 19 and 24 includes, *inter alia*, detecting a position of a patient or a part of a patient, detecting positions of medical treatment devices and assigning the detected positions to created patient-specific body structure data. Creating patient-specific body structure data includes adapting a three-dimensional model by data linking the three-dimensional model with patient-characteristic, two-dimensional detection data.

The claimed invention includes the provision of superimposing a three-dimensional generic model onto patient-specific two-dimensional detection data (e.g., x-rays) and adapting a projection of the generic three-dimensional model to the respective two-dimensional detection data (e.g., x-rays). Unlike conventional methods, including the method described in Hatcher, the claimed invention provides for the three-dimensional generic model to be adapted in two-dimensional space by data linking the three-dimensional generic model with patient characteristic, two-dimensional detection data.

Hatcher has not been found to disclose, in a manner like that recited in claim 1, creating patient-specific body structure data by adapting a three-dimensional generic model by data linking the three-dimensional generic model with patient-characteristic, two-dimensional detection data. Rather, Hatcher is understood to disclose creating a three-dimensional spatial structure of the patient (e.g., patient-specific model) based on acquired images¹ and modifying a three-dimensional stock model based on the created three-dimensional spatial structure corresponding to the patient. As such, Hatcher is understood to disclose that the stock model is "painstakingly adapted in three-dimensional space."²

¹ See, e.g., pages 17-18 and pages 21-22, where patient images are captured using a calibration frame 140 and a patient-specific model is created using the captured images.

² Present application, page 2, lines 15-19.

In contrast, the claimed invention provides patient-specific body structure data by data linking a three-dimensional generic model with patient characteristic two-dimensional detection data such that the three-dimensional generic model is adapted in two-dimensional space.

Therefore, the anticipation rejections of claims 1, 19 and 24 should be withdrawn because Hatcher does not disclose all elements recited in the respective claims.

The dependent claims, while reciting additional features, are not being independently discussed in as much as they are allowable for at least the same reasons as the independent claims from which they depend. This absence of an comment regarding the dependent claims, however, should not be construed as an acquiescence to the contentions made in the office action.

Telephone Interview

If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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